

(a) Each contract between the buyer and a credit services organization for the purchase of the services of the credit services organization must be in writing, dated, signed by the buyer, and must include:

(1) a ~~[conspicuous]~~ statement in ~~[boldfaced]~~ type *that is boldfaced, capitalized, underlined, or otherwise set out from surrounding written material so as to be conspicuous*, in immediate proximity to the space reserved for the signature of the buyer, as follows: "You, the buyer, may cancel this contract at any time before midnight of the third day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.";

(2) the terms and conditions of payment, including the total of all payments to be made by the buyer, whether to the credit services organization or to another person;

(3) a full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the ~~[estimated date by which the services are to be performed or]~~ estimated length of time, *not to exceed 180 days*, for performing the services; and

(4) the address of the credit services organization's principal place of business and the name and address of its agent in the state authorized to receive service of process.

SECTION 6. Section 18.07, Business & Commerce Code, is amended by adding Subsection (d) to read as follows:

(d) The breach by a credit services organization of a contract under this Act, or of any obligation arising from a contract under this Act, is a violation of this Act.

SECTION 7. This Act takes effect September 1, 1989.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 12, 1989, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1450 on May 27, 1989, by a non-record vote; passed by the Senate, with amendments, on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 15, 1989.

Effective Sept. 1, 1989.

CHAPTER 768

H.B. No. 1458

AN ACT

relating to the protection of groundwater in the state and to the creation, powers, and duties of the Texas Groundwater Protection Committee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 26, Water Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. GROUNDWATER PROTECTION

Sec. 26.401. LEGISLATIVE FINDINGS. (a) The legislature finds that:

(1) in order to safeguard present and future groundwater supplies, usable and potentially usable groundwater must be protected and maintained;

(2) protection of the environment and public health and welfare requires that groundwater be kept reasonably free of contaminants that interfere with present and potential uses of groundwater;

(3) groundwater contamination may result from many sources, including current and past oil and gas production and related practices, agricultural activities, industrial and manufacturing processes, commercial and business endeavors, domestic activities, and natural sources that may be influenced by or may result from human activities;

(4) the various existing and potential groundwater uses are important to the state economy; and

(5) aquifers vary both in their potential for beneficial use and in their susceptibility to contamination.

(b) The legislature determines that, consistent with the protection of the public health and welfare, the propagation and protection of terrestrial and aquatic life, the protection of the environment, the operation of existing industries, and the maintenance and enhancement of the long-term economic health of the state, it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded. This goal of nondegradation does not mean zero-contaminant discharge.

(c) It is the policy of this state that:

(1) discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard; and

(2) the quality of groundwater be restored if feasible.

(d) The legislature recognizes the important role of the use of the best professional judgment of the responsible state agencies in attaining the groundwater goal and policy of this state.

Sec. 26.402. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Texas Groundwater Protection Committee.

Sec. 26.403. CREATION AND MEMBERSHIP OF TEXAS GROUNDWATER PROTECTION COMMITTEE. (a) The Texas Groundwater Protection Committee is created as an interagency committee to coordinate state agency actions for the protection of groundwater quality in this state.

(b) The commission is designated as the lead agency for the committee and shall administer the activities of the committee.

(c) The committee is composed of:

(1) the executive director of the commission;

(2) the executive administrator of the Texas Water Development Board;

(3) the executive director of the Railroad Commission of Texas;

(4) the commissioner of health of the Texas Department of Health;

(5) the deputy commissioner of the Department of Agriculture;

(6) the executive director of the State Soil and Water Conservation Board; and

(7) a representative selected by the Texas Groundwater Conservation Districts Association.

(d) Each member of the committee listed in Subsections (c)(1) through (6) of this section may designate a personal representative from the member's agency to represent the member on the committee, but that designation does not relieve the member of responsibility for the acts and decisions of the representative.

(e) The executive director of the commission shall serve as chairman, and the executive administrator of the Texas Water Development Board shall serve as vice-chairman of the committee.

Sec. 26.404. ADMINISTRATION. (a) The committee shall meet not less than once each calendar quarter at a time determined by the committee and at the call of the chairman.

(b) Each member of the committee serves on the committee as an additional duty of the member's office and is not entitled to compensation for service on the committee.

(c) Each member of the committee may receive reimbursement for actual and necessary expenses in carrying out committee responsibilities as provided by legislative appropriations. Each member who is a representative of a state agency shall be reimbursed from the money budgeted to the member's state agency.

(d) Each agency listed in Sections 26.403(c)(1) through (6) of this code that is represented on the committee shall provide staff as necessary to assist the committee in carrying out its responsibilities.

(e) The committee is subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

Sec. 26.405. POWERS AND DUTIES OF COMMITTEE. *The committee shall, on a continuing basis:*

(1) coordinate groundwater protection activities of the agencies represented on the committee;

(2) develop and update a comprehensive groundwater protection strategy for the state that provides guidelines for the prevention of contamination and for the conservation of groundwater and that provides for the coordination of the groundwater protection activities of the agencies represented on the committee;

(3) study and recommend to the legislature groundwater protection programs for each area in which groundwater is not protected by current regulation;

(4) file with the governor, lieutenant governor, and speaker of the house of representatives before the date that each regular legislative session convenes a report of the committee's activities during the two preceding years and any recommendations for legislation for groundwater protection; and

(5) publish the joint groundwater monitoring and contamination report required by Section 26.406(c) of this code.

Sec. 26.406. GROUNDWATER CONTAMINATION INFORMATION AND REPORTS; RULES. *(a) Each state agency having responsibilities related to the protection of groundwater shall maintain a public file of all documented cases of groundwater contamination that are reasonably suspected of having been caused by activities regulated by the agency.*

(b) For purposes of this section, the agencies identified as having responsibilities related to protection of groundwater include the commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Department of Agriculture, the Railroad Commission of Texas, and the State Soil and Water Conservation Board.

(c) In conjunction with the commission, the committee shall publish not later than April 1 of each year a joint groundwater monitoring and contamination report covering the activities and findings of the committee made during the previous calendar year. The report must:

(1) describe the current status of groundwater monitoring programs conducted by or required by each agency at regulated facilities or in connection with regulated activities;

(2) contain a description of each case of groundwater contamination documented during the previous calendar year and of each case of groundwater contamination documented during previous periods for which enforcement action was incomplete at the time of issuance of the preceding report; and

(3) indicate the status of enforcement action for each case of groundwater contamination that is included in the report.

(d) The committee shall adopt rules defining the conditions that constitute ground-water contamination for purposes of inclusion of cases in the public files and the joint report required by this section.

Sec. 26.407. PROTECTION AND ENHANCEMENT PLANS. (a) The commission, with the advice of the committee, shall develop plans, except for those plans required by Section 201.026, Agriculture Code, for the protection and enhancement of water quality pursuant to federal statute, regulation, or policy, including management plans for the prevention of water pollution by agricultural chemicals and agents.

(b) Any agency represented on the committee shall be eligible to receive and spend federal funds for its participation in the development of such management plans. Receipt of such funds shall have no effect on whether the agency in receipt of the funds is the lead agency for water issues in this state.

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 22, 1989, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1458 on May 29, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1458 on May 29, 1989, by a non-record vote; passed by the Senate, with amendments, on May 28, 1989, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1458 on May 29, 1989, by the following vote: Yeas 30, Nays 0.

Approved June 15, 1989.

Effective Sept. 1, 1989.

CHAPTER 769

H.B. No. 1464

AN ACT

relating to participation in, benefits from, and contributions to the Texas County and District Retirement System.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 52.004, Title 110B, Revised Statutes, is amended by adding Subsection (d) to read as follows:

(d) A subdivision whose assets in the retirement system have been allocated and dedicated under Subsection (c) of this section may not enroll new members unless the subdivision applies to the board of trustees for approval and receives it.

SECTION 2. Section 53.201(c), Title 110B, Revised Statutes, is amended to read as follows:

(c) The maximum prior service credit allowable to a member under this section is computed in the manner prescribed by Section 53.105 of this subtitle, but the allocated prior service credit allowable under this section may be limited by the order of the governing body to zero or to any fractional amount of the maximum prior service credit that does not exceed the percentage applicable to the computation of allocated prior service credits for employees of other departments of the subdivision [Credit under this section is computed and limited in the same manner as is prior service credit of employees of other departments of the participating subdivision for equivalent periods of service].